

Notice of Allowability

Application No.

09/693,090

Examiner

Eric B. Kiss

Applicant(s)

TRELEWICZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Decision on Appeal mailed 30 November 2005.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

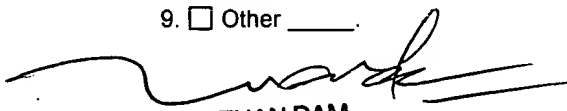
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20040824.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. A Decision on Appeal was issued on 30 November 2005, reversing the rejections of claims 1-29 under 35 U.S.C. §§ 102(b), 103(1), and 112. This action is taken consistently with that decision.

Allowable Subject Matter

2. The objection to the specification is withdrawn.

3. Claims 1-29 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant has strongly asserted (see the Appeal Brief filed 7 December 2004 and the Reply Brief filed 6 June 2005) and the Board of Patent Appeals and Interferences ("the Board") has held that Applicant's amendment changing the explicit definition of *input precision* to "the initial precision of individual data elements after simultaneous operation," Specification, p. 4, lines 6-7 (emphasis added), was appropriate, even in view of Specification, p. 4, lines 14-20 (held by the Board to describe a manner in which input precision may be adjusted).

Accordingly, the Board held that this amendment did not introduce new matter into claims 6, 9, 11-18, 21, 23, 25, 26, and 29. Decision on Appeal, p. 5. The rejection of these claims under 35 U.S.C. § 112, first paragraph, is withdrawn.

Applicant has strongly asserted (see the Appeal Brief filed 7 December 2004 and the Reply Brief filed 6 June 2005) and the Board has held that Applicant's claim 1, which requires that "at least one of: a carry, and a borrow, may occur between data elements in a register" (emphasis added), is not anticipated by Fisher, the disclosure of which the Board held does not

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allow such carries and borrows to ever occur. Decision on Appeal, p. 7. Accordingly, the rejection under 35 U.S.C. § 102 is withdrawn.

The Board has also held that each of the rejections under 35 U.S.C. § 103(a), relying primarily on Fisher, are improper. Decision on Appeal, p. 9. Accordingly, these rejections are withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK/EBK
December 8, 2005



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